UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1998/SR.3
2 April 1998

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

Fifty-fourth session

SUMMARY RECORD OF THE 3rd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 17 March 1998, at 3 p.m.

Chairman: Mr. SELEBI (South Africa)

later: Mr. CHOWDURY (Bangladesh)
(Vice-Chairman)

CONTENTS

STATEMENT BY MS. HILDE FRAFJORD-JOHNSON, MINISTER OF DEVELOPMENT AND HUMAN RIGHTS OF NORWAY

STATEMENT BY MR. KLAUS KINKEL, MINISTER OF FOREIGN AFFAIRS OF GERMANY

STATEMENT BY MR. BORIS FRLEC, MINISTER OF FOREIGN AFFAIRS OF SLOVENIA

STATEMENT BY MS. LJERKA MINTAS-HODAK, DEPUTY PRIME MINISTER OF CROATIA

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GE.98-11086 (E)

CONTENTS (continued)

STATEMENT BY MR. EDUARDO STEIN BARILLAS, MINISTER OF FOREIGN AFFAIRS OF GUATEMALA

STATEMENT BY MR. JOSE GREGORI, NATIONAL SECRETARY FOR HUMAN RIGHTS OF BRAZIL

STATEMENT BY MR. GORGI SPASOV, MINISTER OF JUSTICE OF THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

STATEMENT BY MR. KAMAL THAPA, MINISTER OF FOREIGN AFFAIRS OF NEPAL

ORGANIZATION OF THE WORK OF THE SESSION

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

The meeting was called to order at 3 p.m.

STATEMENT BY MS. HILDE FRAFJORD-JOHNSON, MINISTER OF DEVELOPMENT AND HUMAN RIGHTS OF NORWAY

1. Ms. FRAFJORD-JOHNSON (Norway) said that her country's ambition was to create a human rights policy focused more on respect for the individual, a concept basic to human development. The Norwegian Government realized that the credibility of its commitment at the international level depended first and foremost on the reality of respect for human rights in Norway. The authorities' current concerns included policy towards asylum seekers and refugees, racial discrimination, the use of remand in custody, equality between men and women, the rights of the disabled and the rights of the Sami people and minorities, including the Romany people. The issue of human rights and business ethics was also receiving close attention from the Government, which had established what promised to be rewarding cooperation with non-governmental organizations (NGOs), research institutions, employers and trade unions to promote respect for human rights in the business world.

2. At the international level, Norway was making the most of the opportunities for dialogue and cooperation that arose to enhance respect for human rights. It was indeed from that viewpoint that it had decided to submit to the forthcoming session of the Economic and Social Council its candidature for membership of the Commission on Human Rights. Nevertheless, while all or nearly all States were now agreeable to addressing the question of human rights, an adversarial debate seemed to be emerging on whether human rights were relevant to all cultures. She herself believed that respect for human dignity, a value fundamental to all human rights principles, was precisely the link that held all cultures together. Consequently, human rights standards could be neither selective nor relative: they must be observed universally and could not be subject to reservations.

3. That was the case not only for civil and political rights, but also for social, economic and cultural rights. Some rights were of little use to people dying of hunger. That was why the Norwegian Government had declared its intent to bring its development aid up to 1 per cent of its GNP and to implement a new debt redemption strategy for the benefit of the poorest countries, with the aim of helping those countries to realize their right to development. Norway was also prepared to support the appointment of a special rapporteur on the right to education proclaimed in the International Covenant on Economic, Social and Cultural Rights. Desirous also of encouraging the current reform process within the United Nations with a view in particular to strengthening and rationalizing field operations, Norway would like to make a contribution of approximately US$ 1.5 million to the Office of the High Commissioner for Human Rights, which would have a vital role to play in that regard.

4. Nevertheless, there was still a long way to go when one considered that more than a quarter of the world's population lived below the poverty line, that 250 million children were working, that 140 million received no basic education, that prisoners were being tortured, ill-treated or raped in at least 124 countries, that there were prisoners of conscience in 94 countries, and that extrajudicial executions had been reported in 69 countries. The

Commission must continue to address all those situations so as to bring the figures down. One of the objectives of the current session would be to secure strong and relevant mandates for a number of rapporteurs and working groups. On the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights, the adoption of the draft declaration on human rights defenders would carry an important message to all those who were working for that cause without any other mandate than the one provided by the international human rights instruments. The Norwegian Government would also welcome the adoption of a declaration on the rights of indigenous peoples and the establishment of a permanent forum for indigenous populations within the United Nations system. Among the problems still to be solved, Norway was particularly concerned about the consequences of internal conflicts, from which innocent civilians, and especially women and children, were the first to suffer, and it would continue to work with other countries for the establishment of mechanisms to ensure respect for basic humanitarian standards in such situations. In that connection, Norway was impatiently awaiting the establishment of an international criminal court competent to deal with the most serious violations of international humanitarian law. Meanwhile, her country would be hosting during the summer in Oslo a conference on freedom of religion or belief, at which NGOs would be considering the approach taken by the United Nations to promoting that universal right. Norway had also hosted, in October 1997, an international conference on child labour, which had adopted a programme of action. The Government had allocated NKr 200 million for the activities to be conducted in that area over the next three years.

5. In conclusion, she stressed that the fight against poverty, oppression and injustice called for courage, and for a sense of responsibility on the part of individuals, human rights defence groups, Governments and the United Nations, for the only possible way forward was action.

STATEMENT BY MR. KLAUS KINKEL, MINISTER OF FOREIGN AFFAIRS OF GERMANY

6. Mr. KINKEL (Germany) observed that considerable progress had been made since States had pledged themselves, 50 years previously, to a crusade for human dignity and freedom: democracy had gained ground, the number of countries that had attained self-sufficiency in food had doubled, and opportunities for education and training had greatly increased. It was also gratifying that the debate on human rights had become a worldwide one and he paid tribute in that connection to the work of the Commission, of the High Commissioner for Human Rights, of the NGOs, and of the other defenders of human rights. He hoped that the draft declaration on human rights defenders would be adopted without delay.

7. Much still remained to be done, as attested by the struggle to return to normal in the Great Lakes region, the unspeakable atrocities committed in Algeria or, again, the spiral of violence that had been set in motion in Kosovo and was threatening the peace and stability of the entire region. He appealed to both parties to that conflict not to oppose the constructive proposals put forward by the European Union and the United Nations High Commissioner for Human Rights to help rebuild trust. The intrinsic connection between peace and respect for human rights must never be forgotten. That was why it was essential to implement a policy of conflict prevention bringing every available means to bear. Field operations, for example, helped

to build the political, administrative and judicial structures without which there could be no effective human rights protection. Germany planned for its part to organize, in cooperation with South Africa and Poland, an international meeting to discuss that aspect of the United Nations work. During the past 6 years the German Government had, moreover, provided funds for over 200 governmental and non-governmental projects aimed at strengthening the rule of law.

8. Another crucial need was to put a stop to torture, the vilest weapon used against democracy. He therefore urged the international community to adopt without delay the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which would at last make possible unannounced inspections of prisons all over the world. Better safeguards for the rights of women and children were also indispensable. It was to be hoped that the two draft protocols currently being negotiated to the Convention on the Rights of the Child would enable such particularly odious practices as the involvement of children in armed conflicts or the sale of children to be more effectively combated. Under the auspices of the Council of Europe, currently chaired by Germany, a meeting would be convened at the end of April as a follow-up to the World Congress against Commercial Sexual Exploitation of Children, which had broken the taboo of silence on that subject. In many countries women, too, were subjected to the most pernicious forms of discrimination. For example, in the areas of Afghanistan under Taliban control they were deprived of virtually all their rights. That modern form of slavery, trafficking in women and girls, had become a lucrative business against which it was also urgently necessary to take measures, as the European Union had done in April by adopting a plan of action.

9. Clearly, the existing norms were not enough. The perpetrators of human rights violations must be prosecuted and punished, and that was why an international criminal court must be set up as an indispensable component of the mechanism to be installed to make the world a safer place. Considering, too, as imperative the widest possible adhesion to international human rights instruments, Germany welcomed the fact that China had signed the International Covenant on Economic, Social and Cultural Rights and intended also to sign the International Covenant on Civil and Political Rights, actions which held out hopes of a positive trend in the attitude of that country towards human rights. States that ignored their international obligations must be made to understand that they were outlawing themselves from the international community.

10. Finally, he stressed that human rights must not be subject to any restriction based on cultural or religious criteria. That was why he advocated a more intensive dialogue between different cultures at the international level, grounded in the common origins shared by all human beings. As the Secretary-General of the United Nations had stated a few weeks earlier, human rights were the foundations on which the sacred temple of human dignity was built. Only through the united efforts of all could the vision set out in the Universal Declaration of Human Rights be made a reality.

STATEMENT BY MR. BORIS FRLEC, MINISTER OF FOREIGN AFFAIRS OF SLOVENIA

11. Mr. FRLEC (Slovenia) noted that, 50 years after the adoption of the Universal Declaration of Human Rights, those rights were still being systematically violated throughout the world. Genocide, ethnic cleansing, torture, extrajudicial executions and acts of persecution were only a few examples of the barbarities committed. Recent crises, whether in the Great Lakes region, in Bosnia and Herzegovina or in Kosovo, clearly showed the close connection between human rights and fundamental freedoms on the one hand and national and international peace on the other. Where Kosovo was concerned, the success of the current session of the Commission would be measured partly by its ability to defuse a situation that threatened to bring about a massive humanitarian tragedy. To that end, the Commission must condemn the flagrant violations of the collective and individual rights of the population and the resort to force against civilians, and must call upon the parties to renounce violence and engage in a genuine dialogue in order to reach a political solution. Free access to Kosovo by the ICRC and other international organizations must also be allowed.

12. The Slovene Government attached particular importance to the celebration of the fiftieth anniversary of the Universal Declaration of Human Rights, which afforded it an opportunity to develop human rights information and education activities and to intensify its cooperation with NGOs and with civil society as a whole. In conformity with the Vienna Declaration and Programme of Action, which reaffirmed that human rights were universal, indivisible, and interdependent, Slovenia considered that the same level of protection should be accorded to economic, social and cultural rights as to civil and political rights, and supported the integration of the human rights aspect into the global United Nations development agenda. In that connection he welcomed the encouraging measures so far taken by the High Commissioner for Human Rights, in regard particularly to the enhancement of cooperation with the World Bank, IMF, FAO, UNDP and UNICEF. The Slovene Government also supported efforts to promote the rights of women, who in practically all countries were subjected to discrimination and violence, and more especially their economic and social rights, the deprivation of which prevented them from playing their rightful part in the life of society.

13. With regard to the reform process currently under way in the United Nations, the Slovene Government would continue to support the strengthening of the human rights promotion and protection system embarked upon under the auspices of the Office of the High Commissioner for Human Rights. That Office must be ensured adequate financing under the United Nations regular budget to enable it to carry out its task efficiently, independently and impartially. Peacekeeping operations and humanitarian interventions were also especially important in periods of normalization and reconciliation subsequent to conflicts. Account must therefore be taken, in the field and at Headquarters, of the humanitarian and human rights aspects of all situations in the decision-making process within the competent bodies. It would be desirable, in that connection, for the High Commissioner for Human Rights and the High Commissioner for Refugees to present periodic field situation reports to the Security Council.

14. While realizing the importance of the human rights protection system already established on the basis of the Universal Declaration of Human Rights, the Slovene Government considered further standard-setting indispensable in a number of areas. It therefore keenly looked forward to the adoption of the draft optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the draft declaration on human rights defenders. Regarding the application of human rights, Slovenia considered that better use should be made of the existing regional mechanisms such as the Council of Europe.

15. On the problem of landmines, which constituted one of the main obstacles to a return to normal in areas where armed conflicts had taken place, he announced that Slovenia had established an international trust fund for demining and assistance to mine victims in Bosnia and Herzegovina. In conclusion, he expressed the hope that the fiftieth anniversary of the Universal Declaration of Human Rights would provide an opportunity for all nations to reaffirm their commitment to the universal application of human rights and fundamental freedoms.

STATEMENT BY MS. LJERKA MINTAS-HODAK, DEPUTY PRIME MINISTER OF CROATIA

16. Ms. MINTAS-HODAK (Croatia) observed that the fifty-fourth session of the Commission on Human Rights was of particular importance in that it was being held in the year of the fiftieth anniversary of the Universal Declaration of Human Rights, which laid down a common standard for all peoples and all nations, and of the five-yearly evaluation of the Vienna Declaration and Programme of Action. The current year also marked a turning point for Croatia, where peace, stability and security had at last returned, enabling it now to accord priority attention to such concerns as economic and social development and the promotion and protection of human rights. Many problems stemming from the war of aggression waged against Croatia still remained for it to solve, such as the identification of missing persons, assistance to war victims and invalids, and the return of displaced persons and refugees. Measures had already been adopted and successfully applied at the start of the current year to ensure the reintegration into Croatian territory of the last remaining occupied area, the Croatian Danubian region, under conditions conducive to confidence among the Serb population living there. New legislation on housing and private ownership had also been enacted to accelerate the process of return of ethnic Serbs. Despite difficulties in implementing such a programme, Croatia would continue to work actively for the normalization of the situation in the Danubian region and to support to the full the implementation of the peace process in Bosnia on the basis of the Dayton Accord.

17. In striving as it had during recent years to establish and maintain lasting peace in its territory, the Republic of Croatia had always been open to all forms of cooperation with the United Nations and various regional organizations, in particular OSCE and the Council of Europe. Stress must be laid in that connection on the need to improve coordination between the various international organizations monitoring human rights so as to obviate overlapping of mandates, and to replace surveillance activities by technical assistance and cooperation in countries like Croatia that had made continuing progress in the human rights sphere. The Croatian authorities were looking

forward to the forthcoming visit to Croatia of Mrs. Mary Robinson, United Nations High Commissioner for Human Rights, and were sure that her visit would have a positive impact on the putting into effect of technical assistance and cooperation programmes which the Croatian Government had officially requested back in 1994.

18. It should also be noted that Croatia had been among the first countries to adopt specific legislation institutionalizing their cooperation with the International Criminal Tribunal for the former Yugoslavia, whose establishment it had vigorously supported. The Croatian Government considered that such cooperation was its legal, political and moral obligation. It nevertheless believed that, for justice to be done and lasting peace restored in the region, and in order to facilitate reconciliation, all war criminals from all the parties to the conflict must be brought before the Tribunal, for currently only five persons had been accused of war crimes against Croatian citizens and only one of those accused persons had appeared before the Tribunal. Another problem that Croatia would have to tackle was that of the numerous mines scattered over its territory. Croatia had signed the Anti-Personnel Mine Convention, had developed a mine clearance programme and, in cooperation with UNICEF, had launched a programme to educate children about the risk of mines.

19. Meanwhile, Croatia was faced with a new challenge, namely re-establishing a democratic society based on democratic values and the supremacy of law. It had ratified in November 1997 the European Convention on Human Rights and its additional protocols, thereby accepting the competence of the European Commission and the European Court of Human Rights to consider complaints by individuals. It had also ratified the Framework Convention for the Protection of National Minorities and the European Charter on Regional and Minority Languages. At the national level, the Government had set up various human rights protection bodies, in particular the National Committee on Human Rights Education, the Committee for the Rights of the Child, the National Council for Minority Rights and the National Committee for Reconciliation, which were already fully operational and whose activities could not but be beneficial to society as a whole.

20. The Republic of Croatia would also be commemorating the fiftieth anniversary of the Universal Declaration with the aim of raising the general public's awareness of human rights issues and of the need to protect those rights at both the domestic and the international level. While the human rights situation had improved significantly in Croatia, it remained a cause for concern in the rest of the region, particularly in Kosovo. Clearly, only immediate and decisive action by the international community could halt the current escalation and put a stop to human rights violations in Kosovo.

21. It must be hoped that during the third millennium all the human rights that had been codified in various United Nations instruments would be fully enjoyed by all the world's citizens. But hope alone was not enough; no effort must be spared to attain that noble goal.

STATEMENT BY MR. EDUARDO STEIN BARILLAS, MINISTER OF FOREIGN AFFAIRS OF GUATEMALA

22. Mr. STEIN BARILLAS (Guatemala) said that his country strikingly exemplified the difficulties to be overcome in ensuring respect for human rights in the context of a process of strengthening the rule of law and building a democracy, still fragile and incomplete. Since the signing, on 29 December 1996, of the peace agreements between the Guatemalan Government and the former armed opposition group, the Guatemalan National Revolutionary Unity Movement (URNG), major changes had taken place in Guatemala in many spheres. Much, however, remained to be done, for the practices of exclusion and discrimination that had prevailed for centuries and the problems created by nearly 40 years of internal armed conflict could not be eliminated from one day to the next. Nonetheless, the progress achieved in less than 10 years by Guatemala with the support of the international community was concrete evidence of the value of international cooperation and in particular of the constructive role played by the Commission on Human Rights. Guatemala was an exemplar of what could be accomplished by negotiation between the parties to an internal conflict with the help, but without the interference, of the international community.

23. The first result of that process of negotiation between Guatemalans had been the General Agreement on Human Rights, which had come into force immediately, i.e. nearly three years before the signing of the Final Agreement and while negotiations were continuing on other questions. It was that agreement which had led to the setting up of the first United Nations Mission for the Verification of Human Rights in Guatemala (MINUGUA) which, in cooperation with other supervisory mechanisms, in particular the Commission on Human Rights, had helped Guatemala to make significant progress towards democratization, even before the cessation of hostilities. Guatemala must now undertake the necessary constitutional reforms. The agreements had given rise to the establishment of joint committees whose membership had been widened to include all sectors of the population, in particular the indigenous communities and peoples, at a level unprecedented in the country's history. In the human rights field the progress achieved was undeniable; the State no longer conducted a deliberate anti-human-rights policy and extensive measures had been taken to combat impunity and bring to justice any State agent responsible for such violations. That was evident, in particular, from the most recent report of MINUGUA and from the report of the special mission of the Secretary-General which had visited the country in December 1997 as had been requested by the Commission in its resolution 1997/51 (E/CN.4/1998/93).

24. For Guatemalans the peace process was a means of discovering their own internal wealth and marked the resounding victory of dialogue between former adversaries with a view to concerted action for the establishment of peace and development. It was also the fruit of the understanding and the cooperation between the States which had creatively and respectfully supported the efforts exerted by Guatemala to promote reconciliation and development. It was, lastly, convincing proof of the value of the work of the Commission and of the activities of the Office of the United Nations High Commissioner for Human Rights and all the United Nations bodies.

25. Guatemala's experience had shown that in order to establish peace, justice, security and development it was essential to respect human rights, but also that the effective enjoyment of all human rights depended on equitable development and wider democratic participation. It was beyond doubt that development remained one of the major problems of the current era dominated by globalization, since some population categories had not only not benefited from it, but on the contrary found themselves increasingly impoverished and marginalized. The road to solving that problem lay through negotiation and dialogue between the industrialized countries of the North and the developing countries of the South. The issue of the right to development should therefore be addressed through a concerted process of dialogue, for international cooperation was an essential requisite for overcoming the problems and difficulties standing in the way of the realization of that right. Dialogue must be the watchword, too, in the working groups appointed by the Commission to draw up the optional protocols to the Convention on the Rights of the Child, which had provided the inspiration for Guatemala's new Children's Code, soon to come into force. The same applied to the deliberations concerning protection for human rights defenders and the rights of migrants, as also the various country situations currently under examination by the Commission.

26. In conclusion, he said that the fifty-fourth session should be characterized by cooperation between all the participating countries and a search for common ground to obviate confrontations and accusatory statements for, as Guatemala's experience had amply demonstrated, progress could be achieved in the human rights field only when a State, in the exercise of its national sovereignty, freely decided to accept the cooperation and assistance of the international community.

STATEMENT BY MR. JOSE GREGORI, NATIONAL SECRETARY FOR HUMAN RIGHTS OF BRAZIL

27. Mr. GREGORI (Brazil) said that the work carried out by the Commission on Human Rights in regard to framing of standards, periodic examination of situations where human rights were violated, and strengthening of the rule of law had contributed to alleviating the sufferings and guaranteeing the protection of countless individuals who otherwise would have been abandoned to their fate. The Commission's fifty-fourth session was being held at the time when the fiftieth anniversary of the Universal Declaration of Human Rights, the first instrument to proclaim a common ideal that all peoples and all nations must strive to attain, was being celebrated. The current year was also that of the five-yearly evaluation of the Declaration and Programme of Action, adopted at Vienna in 1993, which determined that democracy, development and respect for human rights were interdependent and mutually sustaining, reaffirmed that the right to development was an integral component of basic human rights, and recognized that the international community must cooperate for the attainment of those objectives.

28. Brazilian Government and society were deeply attached to democratic values and human rights. Numerous activities were planned for the year 1998 to commemorate the fiftieth anniversary of the Universal Declaration, in particular the summit meeting of MERCOSUR and associated countries during which the Heads of State of Argentina, Bolivia, Brazil, Chile, Paraguay and Uruguay would reaffirm their countries' irreversible commitment in favour of

democracy and the rights enshrined in the Universal Declaration. Such an event would have been unthinkable in the past. The struggle waged in Brazil against the authoritarian regime which had been in power for over 20 years had brought it home to people that respect for human rights was not an abstract notion but a concrete objective to be attained. That realization had contributed towards the accession to the presidency of the Republic of a man, Fernando Henrique Cardoso, who had made it his business to guarantee the protection and promotion of human rights and fundamental freedoms. Thus recently the Government, through the agency of the Minister of Justice, daring to broach the hitherto taboo subject of missing persons, had tabled a draft law, which had been adopted by the National Congress, providing in particular for indemnification of the families of persons who had disappeared. In the same spirit, the Government had taken other measures, noteworthy among which was the preparation, in close cooperation with civil society and the university community, of the national human rights programme which had been launched on 13 May 1996 and provided for various activities to guarantee the right to life and security, ensure the protection of the most vulnerable groups in society by prohibiting any discrimination against them, and promote education on human rights. Several concrete initiatives undertaken in connection with the implementation of the national human rights programme had brought about significant changes. As examples he might cite the adoption of the law laying down very severe penalties for the crime of torture or the law regulating the status of refugees, the establishment of a system of financial aid to families that did not take their children out of school, which had produced a spectacular reduction in the number of children working, and the creation of a service for protection of witnesses in cooperation with NGOs and the State governments.

29. Brazil intended to continue its campaign and to that end was determined to promote human rights awareness among the entire population of its gigantic territory. Thanks to information and education everyone must be able to display respect for human rights in his or her daily actions. Brazil was today a democratic and financially stable country. Nonetheless, despite the progress accomplished, crying inequalities and severe structural problems persisted. The Brazilian Government was the first to recognize that and it intended to develop the dialogue with NGOs and the international human rights protection bodies in support of its efforts to solve those problems, since respect for human rights was the ultimate guarantee against attempts to prevent human beings from actively participating in economic, political, social and cultural processes.

30. In closing, Mr. Gregori proposed that the Commission should study the possibility of establishing objective and universally accepted criteria by which to evaluate the human rights situation within the countries, and on the basis of which it would prepare every two years a report on the human rights situation worldwide. The forward march must continue, for the battle on behalf of human rights, democracy and development was a never-ending process.

STATEMENT BY MR. GORGI SPASOV, MINISTER OF JUSTICE OF THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

31. Mr. SPASOV (The former Yugoslav Republic of Macedonia) said that the Universal Declaration of Human Rights had provided the basis for the

legislation which many countries, including his own, had adopted in the human rights field. Looking beyond principles, however, the member States of the international community must have the will, individually and collectively, to secure respect for human rights and fundamental freedoms, particularly as in some parts of the world those rights and freedoms were still being violated, often leading to armed conflicts. That made it essential to adopt a global approach, backed by education, advisory services and economic support, to promote a human rights culture. He stressed that preventive measures, however modest, could give better results than the most expensive operations conducted after the event. The United Nations preventive deployment force in his country was a very positive instance of that.

32. The effective application of the international human rights instruments that had already been adopted was of course a major objective, but that should be no bar to the establishment of new standards and in particular of optional protocols to strengthen the rights of children, women and persons belonging to what were called "vulnerable" groups. The question of the correlation between economic, social and cultural rights on the one hand and civil and political rights on the other remained open. While democracy and the supremacy of law were prerequisites for economic and social progress, it was also true that improvement of the economic and social situation contributed to promoting political rights and easing social tensions. In that respect, the unanimous adoption of resolution 1997/22 on the right to development was one of the major achievements of the Commission.

33. He welcomed the completion of the task of the working group appointed to prepare the draft declaration on human rights defenders. He paid tribute to the courage of the non-governmental organizations defending human rights and recognized the importance of their role. He considered it desirable that human rights questions should also be considered at the regional level and that the United Nations should accordingly reinforce its cooperation with regional organizations.

34. The Republic of Macedonia had succeeded in making respect for human rights a constant priority of its democratic institutions. It was also contributing to the efforts of the international community to preserve peace in the region as a whole, as exemplified in the recent signing by the Ministers of Foreign Affairs of the Republic of Macedonia, Bulgaria, Greece, Turkey and Romania of a declaration on Kosovo. His country was a signatory to all the fundamental instruments of the United Nations on human rights and had also ratified regional instruments such as the European Convention on Human Rights, the Framework Convention for the Protection of National Minorities, and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. All those international instruments had been incorporated into the national legislation and their implementation was a priority.

35. To mark the fiftieth anniversary of the Universal Declaration of Human Rights and the fifth anniversary of the Vienna Declaration, the Republic of Macedonia had set up a national committee composed of representatives of the Government, NGOs, academic and professional institutions and the media. On

that occasion, a publication on the basic instruments of the United Nations had also been published in Macedonian and in the languages of the national minorities living in Macedonia.

36. The Republic of Macedonia was an active member of the international community and was proud to have acceded to independence without violence. It ascribed inestimable value to human life and was also convinced that non-discrimination was the basic principle on which economic stability and prosperity depended.

STATEMENT BY MR. KAMAL THAPA, MINISTER OF FOREIGN AFFAIRS OF NEPAL

37. Mr. THAPA (Nepal) said that since the adoption of the Universal Declaration of Human Rights remarkable progress had been made in efforts to preserve and promote human rights worldwide: adoption of numerous international instruments, the holding of the World Conference on Human Rights in Vienna, the creation of the Office of the High Commissioner for Human Rights and the recent appointment of Mrs. Robinson to head it.

38. The promotion of human rights would be impossible without democracy, but human rights and democracy would be meaningless without development. That was why the objective of the international community must be to free the populations of the developing countries from absolute poverty, illiteracy and disease. Despite their economic difficulties many countries, including Nepal, were doing their best to promote and protect human rights. It was no easy task, for as seen by those struggling for survival the satisfaction of their basic needs was the first and most important of their rights. In many parts of the world, exploitation and poverty were the most fertile ground for violence, terror and thus violation of human rights. That was why efforts must be directed to creating an environment where democracy and the market economy could contribute to human rights promotion. Nepal believed in the universality, indivisibility and interdependence of civil and political rights and of economic, social and cultural rights, the right to development being a fundamental one. It would be counter-productive to promote only certain rights and to use them for extraneous ends, including making aid and economic relations conditional upon them.

39. Nepal was convinced of the usefulness of regional arrangements for the promotion and protection of human rights and hoped that such arrangements would soon be in place in the Asia-Pacific region. Its commitment to respect for human rights was reflected in its new Constitution, promulgated in 1990, which incorporated all the rights proclaimed in the Universal Declaration of Human Rights and the other instruments to which it was a signatory. Nepalese citizens enjoyed all their rights with no discrimination whatsoever and human rights violators, whoever they might be, were brought to book for their acts. Plans were afoot to provide human rights training and awareness promotion for police personnel. Pursuant to the Vienna Declaration and Programme of Action, a national action plan was being prepared. Major steps forward taken during the past year included the passage of a bill for the establishment of a human rights commission; the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, additionally to the 15 other human rights instruments to which Nepal had already acceded; and enactment of a law providing for

compensation in case of torture. The Government was also implementing a technical cooperation agreement with financial support from the High Commissioner for Human Rights. Lastly, many Nepalese NGOs were doing commendable work in raising human rights awareness.

40. A landlocked country belonging to the least developed group, Nepal had embarked upon its economic development with the assistance of many friendly countries and international organizations. As more than 40 per cent of its people lived below the poverty line, the priority objective was the elimination of poverty. Population growth, with its attendant impacts upon the environment, was another social problem which, added to the country's other difficulties, was even undermining democratic institutions and national unity. Nepal was also having to cope with the economic, social, ecological and political consequences of the presence in its territory, over the past nine years, of about 100,000 refugees. Faced with the failure of all efforts to achieve a negotiated settlement of the problem that would allow those refugees to return home in safety and dignity, Nepal urged the international community to do all it could to help bring the bilateral negotiations to a successful conclusion without further delay.

41. Mr. MANOUSSAKIS (Observer for Greece) reminded Mr. Spasov, to whose statement he had listened with interest, that the correct name of his country was The former Yugoslav Republic of Macedonia.

42. Ms. STEFANOUSKA-SEKOVSKA (Observer for The former Yugoslav Republic of Macedonia) pointed out that "Republic of Macedonia" was the name that appeared in the Macedonian Constitution and that no one could forbid a people to use the name they had chosen for their country. The objective of the Commission was the promotion of human rights, not their limitation or infringement.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (E/CN.4/1998/104, 109, 117, 122 and 123)

43. Mr. Chul-Ki JU (Republic of Korea), speaking as coordinator of the Asian Group, said that the fiftieth anniversary of the Universal Declaration of Human Rights and the fifth anniversary of the Vienna Declaration and Programme of Action provided an ideal opportunity to rationalize the work of the Commission. In that context, he was happy that the Chairman wished to limit the number of extended meetings, to enforce strict observance of speaking times, and to clarify the conditions for participation of NGOs in the light of Economic and Social Council resolution 1996/31. He also welcomed the Chairman's efforts to depoliticize the discussions and to facilitate dialogue between all the participants. He applauded, too, the concrete measures taken for the betterment of the Commission's work, in particular the decision to include the regional group coordinators in the bureau meetings, which would enhance transparency, and the allocation to those groups of computer-equipped workrooms, which would help speed up the decision-making process.

44. The Asian Group had other suggestions for further improving the functioning of the Commission and enhancing the efficiency of its work. Concerning the role of NGOs, the secretariat should determine the status of those wishing to participate in the Commission's session and to take the floor, and should encourage them to make joint or group statements. It should

also strictly apply the guidelines set out in Economic and Social Council resolution 1996/31. The objectivity and representativity of the NGOs would gain thereby and their cooperation with governmental delegations would be enhanced. Further, the Asian Group continued to believe that the duration of the Commission's session should be reduced to four weeks and its agenda lightened. That could be done without jeopardizing the Commission's basic objectives. He wished, moreover, to emphasize that cooperation and constructive dialogue, genuine transparency and understanding between the Commission's members could alone contribute to the real enhancement of human rights worldwide. Lastly, the Asian Group once again requested the secretariat to publish the documents for the session in good time and would like informal consultations on draft resolutions to be better organized so that all delegations concerned could actively participate in them.

45. In conclusion, he expressed the hope that discussions on rationalization of working measures would receive priority attention and that early steps would be taken to speed up the reform process.

46. Ms. KUNADI (India) welcomed the initiatives taken by the Chairman to improve working methods and fully supported the statement by the coordinator of the Asian Group. It remained her firm belief that, in order to improve the effectiveness of the decision-making process and thus increase the Commission's credibility and moral authority, confrontation must be eschewed and an effort made to find solutions by intensifying coooperation and dialogue. Thus and thus alone could the ideals enshrined in the Universal Declaration of Human Rights be made a reality in all parts of the world.

47. The successful conclusion, after 13 long years' negotiation, of the deliberations of the working group appointed to prepare a draft declaration on human rights defenders for approval by the Commission was an important milestone in the quest for commonly agreed solutions for the promotion and protection of human rights in all countries. Her delegation hoped that, through constructive dialogue, progress could be made in other areas such as promotion of the right to development. In conclusion, she assured the Commission that her delegation would continue to support its reform efforts.

48. Mr. CHOWDHURY (Bangladesh) associated his delegation with the views expressed by the delegation of the Republic of Korea on behalf of the Asian Group, particularly with regard to the reform of the Commission and its mechanisms, and hoped that further progress would be made in that area.

49. Bangladesh took a holistic view of human rights in conformity with the letter and spirit of the Universal Declaration. The Commission should take advantage of the celebration of the fiftieth anniversary of that Declaration and the five-year review of the Vienna Declaration and Programme of Action, which stressed the universality and indivisibility of all human rights, to take stock of the situation in regard to those rights and to the institutions and mechanisms that had been set up to protect them.

50. At the fifty-third session, the Chairman had made, by way of replacement for draft decision E/CN.4/1997/L.2, a statement emphasizing the importance of cooperation and consultation, as well as consensus building, in the context of efforts to enhance the effectiveness of the Commission. His delegation hoped

that the Commission would work in that spirit, for the realization of human rights required the support and cooperation of the entire international community.

51. The consensus reached by the working group to draft a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms showed that, where there was real political will, positions that were initially far apart could be brought together. His delegation hoped that the draft declaration would be adopted by the Commission during the current session and subsequently by the United Nations General Assembly.

52. Mr. SCHAEFER (Germany), taking the floor on behalf of the Group of Western European and Other Countries, invited participants to comply strictly with article 46 of the rules of procedure. The Western countries approved the proposals made by the Bureau for the organization of the work, which would enable the Commission to operate more effectively and more transparently. They were also ready to give effect to the statement made by the Chairman of the fifty-third session and mentioned by the delegation of Bangladesh, and to cooperate in a spirit of respect and tolerance with all the other groups. The Group of Western European and Other Countries nevertheless reserved the right to comment later on some of the proposals made by certain delegations.

53. Mr. WU Jianmin (China) said that the Chinese delegation shared the views expressed by the delegation of the Republic of Korea on behalf of the Asian Group and would cooperate with the Chairman and the Bureau to make the fifty-fourth session a calm and dignified one, in accordance with the hope expressed by the Chairman at the previous meeting, on the understanding that the rules of procedure must be fully complied with.

54. Everyone taking part in the work of the Commission must try to seek common ground and cooperate on the basis of equality and mutual respect. Each of the 53 States represented on the Commission had its own history and culture and they were all at different stages of development. It was therefore natural that they should have different views on this and that question. And indeed, it was mainly from that diversity that the world derived its rich heritage. But those countries also had points in common. They all recognized the universality of human rights, were all committed to the promotion and protection of those rights, and all agreed that no country's human rights situation was perfect. A working group of the Commission had recently adopted by consensus a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms. That draft was the fruit of 14 years of negotiation. It showed that consensus was possible when, instead of trying to impose one's own ideas on others, one worked in a spirit of equality and mutual respect. The Chinese delegation hoped that the Commission would work in just such a spirit and thus avoid straying into the blind alley of useless confrontation.

55. The Commission should also give more attention to economic, social and cultural rights and the right to development. It was by no means his delegation's intention to belittle the importance of civil and political rights. It merely wished to point out that 1.3 billion people were suffering

from hunger and that, if the right to subsistence was not guaranteed, other rights became meaningless. Therefore many developing countries ardently wished that the Commission would attach more importance to economic, social and cultural rights and the right to development. Of the 534 resolutions that the Commission had adopted since 1992, only 33 related to economic, social and cultural rights. The Chinese delegation would therefore like to cooperate with other delegations to redress that outrageous imbalance.

56. Mr. PALLIHAKKARA (Sri Lanka) said that his delegation endorsed the views expressed by the coordinator of the Asian Group and by the delegation of Bangladesh and fully supported the Chairman's proposals for rationalizing the Commission's work and enhancing its effectiveness. He welcomed in particular the invitation extended to the coordinators of the regional groups to attend the meetings of the Bureau, which would facilitate exchange of views, more particularly on delicate questions.

57. The Sri Lankan delegation hoped that the Commission would continue to study the question of participation by NGOs in its deliberations in the light of resolution 1996/31 of the Economic and Social Council. It would also be desirable firstly that, in accordance with an established rule, the documents of the Commission should be distributed in all the working languages six weeks before the opening of the session so that delegations should study them, and secondly that the Commission should consider the possibility of reducing its sessions from six to four weeks and modifying its agenda accordingly.

58. In conclusion, Sri Lanka would continue cooperating with the Commission, with the treaty bodies, with the delegations and with NGOs to improve the human rights situation and the effectiveness of the Commission's work.

59. Mr. Chowdhury (Bangladesh) took the Chair.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 4) (E/CN.4/1998/4 and Corr.1, 7, 8, 17, 19, 20, 112, 116, 124, 125 and 128)

60. Mr. HALINEN (Special Rapporteur), in presenting his report on the human rights situation in the Palestinian territories occupied by Israel (E/CN.4/1998/17), said he could only repeat what he had said in the presentation of his previous report, namely that political questions, the security issue, human rights, humanitarian matters, economic and social development and democracy were inextricably interlinked and that where relations between Israel and Palestine were concerned all those elements must be considered in a flexible and coordinated way. In his new report he had given particular attention to the fate of detainees, persons held in administrative detention, women and children. He hoped that the Commission's efforts would enable the fate of such persons to be improved. It was the responsibility of the international community, and of the Commission on Human Rights in particular, to examine in a holistic and action-oriented way the human rights situation in that part of the world, with a view to encouraging the parties to enter into a dialogue on human rights.

61. Mr. MORJANE (Tunisia), taking the floor on behalf of the Arab countries, said that Israel had quickly put an end to the hopes aroused by the Madrid

Conference in 1991. The deterioration of the human rights situation and of living conditions in the occupied territories explained why the population was in despair. On 10 March 1998 three Palestinian workers had been killed by the Israeli police and several others wounded. The existing settlements were being reinforced and new settlements created. The group of Arab countries invited the Commission on Human Rights to bring pressure to bear on Israel so as to induce it to put an end to human rights violations and colonization and set forth on the road to a just and lasting peace.

62. Mr. SINGH (India) said that his country had always defended the inalienable rights of the Palestinian people and the process aimed at establishing a just, global and lasting peace in the Middle East. The creation of new settlements, the confiscation of Palestinian lands and property, collective punishments such as demolition of housing and sealing off of Palestinian territories, legal resort to torture during interrogations and the measures taken to change the demographic composition of Jerusalem could only worsen the situation.

63. The Indian delegation urged all the parties concerned to honour their commitments and redouble their efforts to achieve a just, global and durable peace in the region on the basis of Security Council resolutions 242 (1967) and 338 (1973), of the principle of "land for peace" and of the Interim Agreement in order to guarantee the legitimate rights of the Palestinian people and enable all the States of the region to live within secure and internationally recognized boundaries. India was convinced that the implementation of the agreements concluded between Israel and the Palestinian authority would contribute to improvement of the human rights situation.

The meeting rose at 5.55 p.m.